

PARKS IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

-03 FERNANDO FERNANDEZ,

Defendants.

FILED UNDER SEAL

CR. NO.

21 U.S.C. § 846

21 U.S.C. § 853

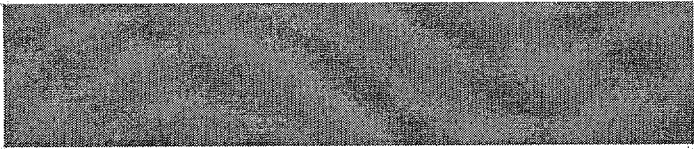
14-20340-03
(M-14-2370-M)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1

Beginning at a time unknown to the grand jury, and continuing to on or about December 2014, in the Western District of Tennessee and elsewhere, the defendants,


did unlawfully, knowingly and intentionally conspire, combine, confederate, and agree with each other, and with other persons both known and unknown to the Grand Jury, to possess with intent to distribute 1000 kilograms or more of a mixture or substance containing a detectable amount of marihuana, a controlled substance as classified by Title 21, United States Code, Section 812, as a schedule I controlled substance, in violation of Title 21, United States Code Section 846.

COUNT 2

Beginning at a time unknown to the grand jury, and continuing to on or about December 2014, in the Western District of Tennessee and elsewhere, the defendants,


FERNANDO FERNANDEZ

did unlawfully, knowingly and intentionally attempt, conspire, combine, confederate, and agree with other persons both known and unknown to the Grand Jury, to possess with intent to distribute 100 kilograms or more of a mixture or substance containing a detectable amount of marihuana, a controlled substance as classified by Title 21, United States Code, Section 812, as a schedule I controlled substance, in violation of Title 21, United States Code Section 846.

CRIMINAL FORFEITURE

1. The allegations contained in Counts ONE and TWO of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853(a)(1) and (2), the defendants,


FERNANDO FERNANDEZ


from their engagement in any or all of the violations alleged in Counts 1 and 2 of this Indictment, punishable by imprisonment for more than one year, which counts are re-

alleged and incorporated as if more fully set forth herein, shall forfeit to the United States all of their interest in: property constituting and derived from any proceeds the defendants obtained, directly or indirectly, as a result of such violations; and property used and intended to be used in any manner or part to commit and to facilitate the commission of such violations. Such property includes, but is not limited to, the following:

- a. Money Judgment: at least one million (\$1,000,000) in U.S. Funds, representing the aggregate of the proceeds of the illegal drug trafficking conspiracy charged in Counts 1 and 2, for which the defendants are jointly and severally liable;
- b. Real Property as follows:
 1. One (1) Parcel of Real Property Located at 9186 Ivy League Lane, Cordova, TN 38018, with All Appurtenances and Improvements Thereon;
 2. One (1) Parcel of Real Property Located at 8717 Players Fairway, Memphis, TN 38125, with All Appurtenances and Improvements Thereon;
 3. If any of the property described above, as a result of any act or omission of the defendants in Counts 1 and 2:
 - a. cannot be located upon the exercise of due diligence;
 - b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

The United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1) and Title 28, United States Code, Section 2461(c). This property includes, but is not limited to, the following property:

1. One (1) Parcel of Real Property Located at 1801
Tulane Road, Hernando, MS 38632, with All
Appurtenances and Improvements Thereon.

A TRUE BILL:

FOREPERSON

DATE: _____

EDWARD L. STANTON III
UNITED STATES ATTORNEY

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NOTICE OF PENALTIES

COUNT ONE

Nlt 10 yrs. imprisonment, nmt life; nmt \$10,000,000 fine, or both, nlt 5 yrs. supervised release and a special assessment of \$100, but if the defendant has a prior conviction for a felony drug offense then nlt 20 yrs. imprisonment, nmt life, nmt \$20,000,000 fine, or both, nlt 10 years supervised release and a special assessment of \$100, but if the defendant has two or more prior convictions for a felony drug offense then life imprisonment.

COUNT TWO

Nlt 5 yrs. imprisonment, nmt 40 years; nmt \$5,000,000 fine, or both, nlt 4 yrs. supervised release and a special assessment of \$100, but if the defendant has a prior conviction for a felony drug offense then nlt 10 yrs., imprisonment, nmt life, nmt \$8,000,000 fine, or both, nlt 8 years supervised release and a special assessment of \$100, but if the defendant has two or more prior convictions for a felony drug offense then life imprisonment.